



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, OPR

Introduction

This is an application brought by the Landlord requesting an Order of Possession based on a Notice to End Tenancy for nonpayment of rent, and requesting a Monetary Order for outstanding rent.

The applicant testified that the respondent was served with notice of the hearing by personal service on November 30, 2015 however the respondent did not join the conference call that was set up for the hearing.

It is my finding that the respondent has been properly served with notice of the hearing and I therefore proceeded with the hearing in the respondents absence.

All testimony was taken under affirmation.

Issue(s) to be Decided

The issues are:

- Whether or not the applicant has established the right to an Order of Possession.
- Whether or not the applicant has established a monetary claim against the respondent, and if so in what amount.

Background and Evidence

The applicant testified that this tenancy began on December 1, 2010, and the present rent is \$595.00 per month, due on the first of each month.

The applicant further testified that the tenant failed to pay the September 2015 and October 2015 rent and therefore on October 6, 2015 a 10 day Notice to End Tenancy was posted on the tenant's door.

The applicant further testified that the September 2015 rent was accepted for use and occupancy only; however the tenant failed to pay the October 2015 rent and has paid no rent since then.

The applicant is therefore requesting an Order of Possession for as soon as possible and a Monetary Order as follows:

October 2015 rent outstanding	\$595.00
November 2015 rent outstanding	\$595.00
December 2015 rent outstanding	\$595.00
January 2016 rent outstanding	\$595.00
Total	\$2380.00

Analysis

It is my finding that the landlord has shown that the tenant was served with a valid 10 day Notice to End Tenancy and has failed to comply with that notice, or pay the full outstanding rent within the five day grace period, and therefore the landlord has the right to an Order of Possession.

It is also my finding that the landlord has shown that, as of today's date, there is a total of \$2380.00 rent outstanding, and I therefore also allow the landlords claim for that outstanding rent.

I have allowed the full amount of rent outstanding to the end of January 2015, as the tenant has failed to vacate the rental unit and therefore the tenant should reasonably have anticipated that, rent would continue to accumulate.

Conclusion

Pursuant to section 55 of the Residential Tenancy Act, I have issued an Order of Possession that is enforceable two days after service on the tenant.

Pursuant to section 67 of the Residential Tenancy Act I have issued a Monetary Order in the amount of \$2380.00.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: January 13, 2016

Residential Tenancy Branch

